## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JUSTIN K. ZUCAL, et al.,

Plaintiffs,

v. : Civil No. 5:21-cv-04598-JMG

:

COUNTY OF LEHIGH, et al.,

Defendants.

**ORDER** 

AND NOW, this 14<sup>th</sup> day of June, 2023, upon consideration of Defendants' Motion to Dismiss Plaintiffs' Second Amended Complaint (ECF No. 39) and Plaintiffs' response thereto (ECF No. 45), and for the reasons stated in the accompanying Memorandum Opinion, IT IS HEREBY ORDERED that Defendants' Motion (ECF No. 39) is GRANTED in part and DENIED in part:

- a. Defendants' Motion to Dismiss Counts I, V, VI, VII and VIII is **DENIED.**
- b. Defendants' Motion to Dismiss Count II is **DENIED** as to defendants Armstrong and Molchany, and **GRANTED** as to all other defendants.
- c. Defendants' Motion to Dismiss Count III is **DENIED** as to defendants Gieringer and Bailey, and **GRANTED** as to all other defendants.
- d. Defendants' Motion to Dismiss Count IV is **GRANTED**.
- e. Defendants' Motion to Strike is **DENIED**.

BY THE COURT:

/s/ John M. Gallagher

JOHN M. GALLAGHER United States District Court Judge